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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,911	12/04/2003	Maxime Lampilas	FRAV2002/0034US NP	7536
5487 7590 03/14/2007 ROSS J. OEHLER SANOFI-AVENTIS U.S. LLC 1041 ROUTE 202-206 MAIL CODE: D303A BRIDGEWATER, NJ 08807			EXAMINER COLEMAN, BRENDA LIBBY	
			ART UNIT 1624	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		NOTIFICATION DATE	DELIVERY MODE	
3 MONTHS		03/14/2007	ELECTRONIC	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 03/14/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPatent.E-Filing@sanofi-aventis.com  
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**Office Action Summary**

Application No.

10/727,911

Applicant(s)

LAMPILAS ET AL.

Examiner

Brenda L. Coleman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) 24-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18, 20-23, 40 and 41 is/are rejected.
- 7) ☒ Claim(s) 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

Claims 1-41 are pending in the application.

This action is in response to applicants' amendment filed October 24, 2006.

Claims 1, 5, 10, 11, 16, 17, 22, 23, 40 and 41 have been amended.

#### ***Response to Amendment***

Applicant's amendments filed October 24, 2006 have been fully considered with the following effect:

1. The applicant's amendments and arguments are sufficient to overcome the 35 USC § 112, second paragraph rejections, labeled paragraph 3) of the last office action, which are hereby **withdrawn**.
2. With regards to the provisional obviousness-type double patenting rejection as being unpatentable over copending Application No. 10/480,019 of the last office action, the applicants' requested that this rejection be held in abeyance at this time.

Claims 1-10, 20 and 21 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of copending Application No. 10/480,019, for reasons of record.

In view of the amendment dated October 24, 2006, the following new grounds of rejection apply:

#### ***Election/Restrictions***

3. The applicants are reminded of the presence of non-elected subject matter in claims 1-9, 11-23, 40 and 41 with traverse in the reply filed on March 27, 2006.

4. Claims 24-39 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on March 14, 2006.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-9, 18, 20, 22 and 40 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The amendment to the definition of R' where the definition of R' includes the moieties  $-(O)_a-(CH_2)_b-(O)_a-R$  and  $-(O)_a-(CH_2)_b-$  5- or 6-membered aromatic heterocycle containing from 1 to 4 heteroatoms selected from nitrogen, oxygen and sulfur, which are not described in the specification with respect to the genus of formula (I).

Applicant is required to cancel the new matter in the reply to this Office action.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

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6. Claims 1-9, 11-18, 20-23, 40 and 41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The following reasons apply:

- a) Claims 1-5, 7-9, 18, 20, 22 and 40 are vague and indefinite in that it is not known what is meant by the moiety  $\text{HC}(=\text{NR}_6)(\text{NHR}_7)$  in the definition of  $\text{R}_1$ , which is a compound and not a substituent, i.e. this moiety is already valence satisfied.
- b) Claims 1-7, 9, 18, 20, 22 and 40 are vague and indefinite in that it is not known what is meant by the moiety  $\text{CH}_2\text{SO}_3\text{H}$  in the definition of Y.
- c) Claim 8 is vague and indefinite in that it is not known what is meant by the definition of  $\text{R}_8$ , which is not stated in the form of a proper Markush grouping, i.e.  $\text{R}_8$  is .... and.
- d) Claim 8 is vague and indefinite in that it is not known what is meant by moiety OY1, which is not defined in the claim.
- e) Claims 11-17 are vague and indefinite in that it is not known what is meant by the "and" which follows the definition of  $\text{R}'_1$ .
- f) Claims 11-17 are vague and indefinite in that it is not known what is meant by the nucleus of the aryl in the definition of  $\text{R}_9$ .
- g) Claims 11-17 are vague and indefinite in that it is not known what is meant by the variable  $n'_1$ , which is not defined in the claim.
- h) Claims 11-17 are vague and indefinite in that it is not known what is meant by the definition of the variable  $n'_1$  where there is no variable  $n'_1$  in the claim.

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- i) Claim 22 is vague and indefinite in that it is not known what is meant by “an active ingredient comprising at least one  $\beta$ -lactamase inhibiting agent comprising a compound as defined in claim 1”.
- j) Claim 23 is vague and indefinite in that it is not known what is meant by “an active ingredient at least one  $\beta$ -lactamase inhibiting agent comprising a compound as defined in claim 10”.
- k) Claims 22, 23, 40 and 41 are vague and indefinite in that it is not known what is meant by  $\beta$ -lactamase inhibiting agent, which does not set forth the metes and bounds of the claim.
- l) Claims 40 and 41 are vague and indefinite in that it is not known what is meant by the additional active component, i.e. beta-lactam medicament agent, which does not set forth the metes and bounds of the claim.

### ***Claim Objections***

- 7. Claim 19 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda L. Coleman whose telephone number is 571-272-0665. The examiner can normally be reached on 9:30-6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James O. Wilson can be reached on 571-272-0661. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Brenda L. Coleman  
Primary Examiner Art Unit 1624  
March 4, 2007